

**ORIGINAL**

Decision No. 70958

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
the rates, rules, regulations, charges, )  
allowances and practices of all common )  
carriers, highway carriers and city )  
carriers relating to the transportation )  
of any and all commodities between and )  
within all points and places in the )  
State of California (including, but not )  
limited to, transportation for which )  
rates are provided in Minimum Rate )  
Tariff No. 15).

Case No. 7783  
Petition for Modification  
No. 6  
(Filed June 6, 1966)

OPINION AND ORDER

Minimum Rate Tariff No. 15 names minimum yearly, monthly and weekly vehicle unit rates, rules and regulations for the transportation of property by city carriers and highway permit carriers. By this petition, California Trucking Association seeks to have the tariff amended by expanding the scope of its application. Petitioner requests that common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes to increase the radius of service under the yearly and monthly rates from 125 air miles from the base of operations to 250 air miles, to establish a charge of \$5.75 per hour, minimum 8 hours, per man in the event that a driver or other carrier employee must lay over en route as required by law because of an excess of hours of service plus \$7.60 per 24-hour period per employee for subsistence if the service involves overnight delay.

Petitioner states that current circumstances indicate a need by shippers and carriers to extend the one-way operations from 125 to 250 air miles to reflect changes in distribution practices and carrier operations due to growth of the State. The proposed charges for layover and subsistence are said to be necessary to compensate

the carrier for service performed within the proposed expanded area which would not enable the equipment and driver to start from the carrier's terminal and return thereto in the same day. Petitioner alleges that the proposed expansion of the scope of application of Minimum Rate Tariff No. 15 will result in no increases in freight charges but will afford carriers the opportunity to retain traffic that might otherwise be diverted to proprietary carriage.

Copies of the verified petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about June 3, 1966. The petition was listed on the Commission's Daily Calendar of June 8, 1966. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted. Other minor changes not related to the subject matter of the petition will be made in one of the tariff pages herein being revised.<sup>1</sup>

IT IS ORDERED that:

1. Minimum Rate Tariff No. 15 (Appendix B of Decision No. 65072, as amended) is further amended by incorporating therein to become effective September 1, 1966, Third Revised Page 2, Second Revised Page 5, First Revised Page 6 and Original Page 12-A, attached hereto and by this reference made a part hereof.

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<sup>1</sup> Item No. 40 of the tariff will be amended to include reference to Minimum Rate Tariff 17 and to refer to certain other tariff numbers in their current series.

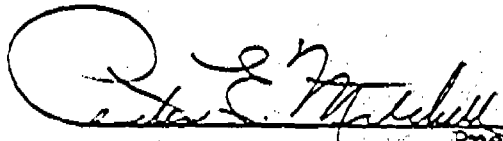
2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.


3. Common carriers, in establishing and maintaining the rules authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rules published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

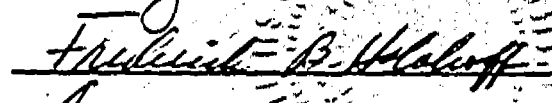
4. In all other respects Decision No. 65072, as amended, shall remain in full force and effect.

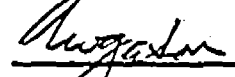
This order shall become effective twenty days after the date hereof.


Dated at San Francisco, California, this 12<sup>th</sup> day of July, 1966.

  
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President

  
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George L. Crover

  
\_\_\_\_\_  
Frederick B. Hallock

  
\_\_\_\_\_  
Augustus

  
\_\_\_\_\_  
Commissioners

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff arranged as follows:

- SECTION NO. 1 - Rules and Regulations
- SECTION NO. 2 - Yearly Vehicle Unit Rates
- SECTION NO. 3 - Monthly Vehicle Unit Rates
- SECTION NO. 4 - Weekly Vehicle Unit Rates
- SECTION NO. 5 - Mileage Rates and Other Accessorial Charges
- SECTION NO. 6 - Form of Document

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\* Addition, Decision No. **70958**

EFFECTIVE SEPTEMBER 1, 1966

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 75 ✓

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the City Carriers' Act and the Highway Carriers' Act, and apply for transportation of property by carriers as defined in said City Carriers' Act and radial highway common carriers, highway contract carriers and cement contract carriers as defined in the Highway Carriers' Act.</p>	20
<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>This tariff applies between all points within the State of California.</p>	30
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>This tariff applies for the transportation of all commodities except those for which rates are provided in Minimum Rate Tariffs Nos. 3-A, 4-B, 6-A, 7, 8, 10, 12, 13 and 17.</p>	40
<p style="text-align: center;">APPLICATION OF RATES (Items Nos. 50 and 51)</p> <p>(a) This tariff applies only when, prior to the transportation of the property, the shipper enters into a written agreement with the carrier as provided in Items Nos. 90 and 91 and only when the property is transported by one carrier for one shipper. When such agreement is executed, rates otherwise provided in the Commission's Minimum Rate Tariffs will not apply.</p> <p>(b) The rates shall be governed by the Rate Bases as described in Item No. 60.</p> <p>(c) The rates herein, except those contained in Section No. 4, Weekly Vehicle Unit Rates, are limited to service performed within a radius of 250 air miles from the base of operations designated in the written agreement provisions of Items Nos. 90 and 91. Written agreements may not be combined nor construed so as to permit one-way operations in excess of 250 air miles.</p> <p>(d) The base yearly, monthly and weekly rates as set forth in Items Nos. 200 through 411 apply as follows:</p> <ol style="list-style-type: none"> <li>1) The yearly rates in Items Nos. 200, 210 and 211 apply when the shipper enters into a written agreement with the carrier for a period of one year or more. The rates set forth are one-twelfth of the annual charge. The rates do not include service performed on Saturdays, Sundays or Holidays. For service performed on these days the additional charges provided in Item No. 520 are applicable.</li> </ol>	50

Case No. 7783 (Pet. 6)\*

- 2) The monthly rates in Items Nos. 300, 310 and 311 will apply for periods of 30 consecutive days. The rates do not include service performed on Saturdays, Sundays or Holidays. For service performed on these days the additional charges provided in Item No. 520 are applicable.
- 3) The weekly rates in Items Nos. 400, 410 and 411 will apply for a period of 5 consecutive days excluding Saturdays, Sundays or Holidays. The daily rates for Saturdays, Sundays and Holidays as set forth in Item No. 520 may be combined with the weekly rates when the days of service are continuous.

(Continued in Item No. 51)

⊕ Change  
\* Addition  
⊖ Reduction

} Decision No. 70958

EFFECTIVE SEPTEMBER 1, 1966

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 76 ✓

SECTION NO. 1 - RULES AND REGULATIONS (Continued)

Item  
No.

APPLICATION OF RATES (Concluded)  
(Items Nos. 50 and 51)

(e) The number of driver's hours of service for each day will be computed from the time at which carrier's driver commences either operating the motor vehicle or performing other related service, whichever is sooner, and ending at the time that carrier's driver either ceases operating the motor vehicle or performing other related service, whichever is later, \*subject to the special layover and subsistence provisions of Item No. 140.

The number of helper's hours of service for each day shall be computed from the time helper is engaged to perform loading, unloading and other related service or required to ride carrier's vehicle, whichever is sooner, and ending at the time the loading or unloading service is completed, or the helper is returned to the point at which he was engaged at start of day, whichever is later.

Included in each 8 hours service out of 9 consecutive hours will be two rest periods, not to exceed 15 minutes each. Time taken for lunch of one hour or less will not be included in hours of service performed.

(f) The rates apply for the exclusive use of the equipment furnished.

(g) In the event that a unit of equipment has become temporarily inoperable while engaged in transportation under this tariff, the carrier may substitute another unit of equipment at the rates agreed upon in the written agreement until such time as the original unit of equipment is operable.

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(h) The rates in Items Nos. 200 through 411 and Items Nos. 520 through 540 include the service of the driver only. When the carrier furnishes help in addition to the driver, the additional charges as provided in Item No. 550 will be assessed.

(i) Rates do not include weighmaster fees and bridge or ferry tolls. Such fees and tolls, when incurred by the carrier, shall be added to the transportation charges.

(j) When in response to shipper's request carrier's equipment is painted, lettered or marked, or when special equipment or accessories, e.g., forklifts, uniforms, etc., are furnished by the carrier, in connection with transportation which is performed subject to the rates named in this tariff, a reasonable charge therefor shall be made by the carrier against the shipper. In no event shall the charge be less than the cost of the painting, lettering or marking or the costs applicable to the use of the special equipment or accessories.

(k) Rates in this tariff are subject to the articles shipped being released by the shipper at a valuation of not in excess of fifty cents per pound per article.

Change }  
\* Addition } Decision No. 70958

EFFECTIVE SEPTEMBER 1, 1966

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 77 ✓

SECTION NO. 1--RULES AND REGULATIONS (Concluded)	Item No.
<p style="text-align: center;"><b>CHARGES FOR LAYOVER AND SUBSISTENCE</b></p> <p>In addition to all other applicable rates and charges named in this tariff, the following charges will be assessed:</p> <p>(a) A charge of \$5.75 per hour, minimum 8 hours, per man, in the event that a driver or other carrier employee must lay over en route as required by law because of an excess of hours of service, and</p> <p>(b) A charge of \$7.60 per 24-hour period shall be assessed for subsistence for each driver or other carrier employee if service requires overnight delay.</p>	<p>*150 ✓</p>
<p>*Addition, Decision No. <b>70958</b></p>	
<p>EFFECTIVE SEPTEMBER 1, 1966</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 78 ✓</p>	